

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED

CLERKS OFFICE

2006 MAY 18 A 10:52

UNITED STATES OF AMERICA)

)

)

vs.)

)

LUIS RODRIGUEZ,)

A/K/A "One Eyed Luis")

)

U.S. DISTRICT COURT
DISTRICT OF MASS.

Criminal No. 04-10047 RCL

**RODRIGUEZ MOTION FOR AN EXPEDITED SENTENCING
OR, IN THE ALTERNATIVE, FOR TEMPORARY
RELOCATION OUT OF PCCF AND
INTO A SAFER ENVIRONMENT**

The defendant, Luis Rodriguez ("Rodriguez"), requests that this Court hold a sentencing hearing prior to the scheduled hearing on June 21, 2006, or, in the alternative, that it enter an order directing the U.S. Marshall Service to take custody of Rodriguez in order to remove him from Plymouth County Correctional Facility ("PCCF"). As grounds therefore, Rodriguez states as follows:

1. On May 1, 2006 Rodriguez, who is being held at PCCF, requested medical attention for pain he was experiencing in his neck and collarbone and for trouble he was having swallowing. The medical personnel at PCCF provided only a cursory examination of Rodriguez.
2. The undersigned counsel on May 1, 2006 sent a written request to Patrick Lee, counsel to the Plymouth County Sheriff, for him to follow up with PCCF to ensure that Mr. Rodriguez was properly examined and treated. A copy of the May 1, 2006 Fax Cover Sheet and Confirmation are attached hereto as Exhibit A.
3. Mr. Lee did not respond to the fax by undersigned counsel.

4. On May 8, 2006, Mr. Rodriguez, through the undersigned counsel, informed the Court, the U.S. Attorney's Office and U.S. Probation, of Mr. Rodriguez's recent complaints of pain and failure of PCCF to examine him carefully. The letter also noted Mr. Lee's failure to respond to Mr. Rodriguez's request. A copy of the letter and Fax Confirmation Sheet are attached hereto as Exhibit B.
5. One week later, on May 16, 2006, Rodriguez reported to counsel that he had a seizure on Friday evening, May 12, 2006 and that PCCF took away his prednisone. He also reported that at 1:00 p.m. medical personnel administered 1200 mg of Tegretol despite his belief that the dosage was well in excess of his usual dosage. At 8:00 p.m. the same day, medical personnel administered an additional 400 mg of Tegretol to Mr. Rodriguez. At 11:00 p.m. that evening Mr. Rodriguez reported feeling dizzy. He then vomited a yellow substance. Nurses came to his aid and he then passed out. The next morning he awoke with red blotches, similar to a rash, on his neck, throat and stomach. He believes the blotches are an allergic reaction to the excessive amount of Tegretol he was given.
6. Mr. Rodriguez has not been informed by the medical personnel at PCCG of the cause of the red blotches, the vomiting or the loss of consciousness.
7. Given Mr. Rodriguez's medical condition and history of persistent seizures, it is unacceptable that neither Mr. Lee nor the medical department of PCCF has responded in an diligent manner and has provided appropriate care to him.
8. Further, we have just received Dr. Paul Gross's evaluation that Mr. Rodriguez suffers from epileptic seizures. Since inception of Mr. Rodriguez's confinement at PCCF, we have been gravely concerned that Mr. Rodriguez is in an

environment that is potentially fatal. Dr. Gross bears out our concerns and fears. He notes in his evaluation that the "seizures are potentially life-threatening" and that "[A]t this point, even in the best of hands, he [Rodriguez] only has about a 50% chance of achieving complete seizure control." See Letter of Dr. Paul Gross.

9. The inattention and inept treatment provided to Mr. Rodriguez since his confinement at PCCF should be rectified before it is too late. PCCF has vividly and graphically demonstrated that it is not capable of taking proper care of Mr. Rodriguez. Under the circumstances, he requests that he immediately be placed in a safer environment where he can be properly treated. In the alternative, Mr. Rodriguez requests that his sentencing date of June 21, 2006 be expedited.

LUIS RODRIGUEZ
By his attorney,

Valerie S. Carter

Valerie S. Carter
Carter & Doyle LLP
530 Atlantic Avenue
Boston, MA 02210
617-348-0525

DATED: May 18, 2006

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2006 a true copy was hand delivered to Clerk and a copy of the above document was served upon U.S. Attorney of record and Jo Lyness by hand.

Valerie S. Carter
Valerie S. Carter, Esq.

EXHIBIT A

CARTER & DOYLE LLP

ATTORNEYS AT LAW

Russia Wharf West
530 Atlantic Avenue, 3rd Floor
Boston, MA 02210

617-348-0525
Facsimile 617-348-0989

FACSIMILE COVER SHEET

DATE: May 1, 2006

TO: Patrick C. Lee, Esquire

FROM: Valerie S. Carter, Esquire

FAX NUMBER: 508.830.6316

RE: Luis Rodriguez

PAGES (not including cover page): 0

MESSAGE:

Luis Rodriguez called me from Plymouth CCF complaining that he was not examined carefully at the facility this weekend following his complaints of (1) pain radiating from his eye and face into his collarbone, and (2) trouble swallowing. Would you please follow up to assure he is being given proper medical treatment?

CONFIDENTIALITY NOTE: This facsimile is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution, or copying of this facsimile is prohibited. If you have received this transmission in error, please contact this office immediately.

TRANSMISSION VERIFICATION REPORT

TIME : 05/01/2006 14:04
NAME :
FAX : 6173480989
TEL :
SER. # : BROAD4J479081

DATE, TIME	05/01 14:04
FAX NO./NAME	15088306316
DURATION	00:00:16
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

EXHIBIT B

CARTER & DOYLE LLP
ATTORNEYS AT LAW
Russia Wharf West
530 Atlantic Avenue, 3rd Floor
Boston, MA 02210

Telephone: 617-348-0525
Facsimile: 617-348-0989
vcarter@carterdoyle.com

May 8, 2006

BY FAX

Lisa Hourihan, Clerk
to the Hon. R. Lindsay
Clerk's Office
U.S. District Court
District of Massachusetts
1 Courthouse Way
Boston, MA 02210

John A. Wortmann, Jr.
Asst. U.S. Attorney
U.S. Attorneys Office
1 Courthouse Way, Suite 9200
Boston, MA 02210

Jo Lyness
Federal Probation Services
1 Courthouse Way, Suite 1200
Boston, MA 02210

Re: U.S. v. Luis Rodriguez, Criminal No. 04-10047-RCL.

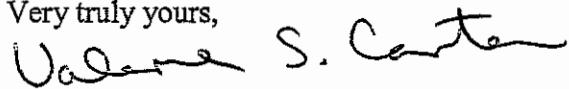
All:

Enclosed please find four pages of medical records sent to me by Boston Medical Center today relating to Luis Rodriguez's treatment there on March 12, 1995 immediately following his gunshot wound. The records presumably are in response to my January 15, 2006 request for all his medical records.

In addition, on May 1, 2006 Luis Rodriguez told me that he was not examined carefully over the weekend by Plymouth CCF following his complaints of pain radiating from his face to his collarbone area and difficulty in swallowing. I made a written request of Patrick Lee, General Counsel to the Plymouth County Sheriff's Department on

May 1, 2006 asking him to follow up to make sure Mr. Rodriguez is being given proper treatment for his pain. To date, Mr. Lee has not contacted me to let me know whether he has in fact followed up my request.

Very truly yours,



Valerie S. Carter

**CARTER & DOYLE LLP
ATTORNEYS AT LAW
Russia Wharf West
530 Atlantic Avenue, 3rd Floor
Boston, MA 02210**

617-348-0525
Facsimile 617-348-0989

DELIVER IMMEDIATELY

FACSIMILE COVER SHEET

DATE: April 24, 2006
TO: John A. Wortmann, AUSA
FROM: Valerie S. Carter, Esq.
FAX NUMBER: 617-748-3963
RE: Luis Rodriguez
PAGES: (not including cover)
MESSAGE:

Please see attached letter.

CONFIDENTIALITY NOTE: This facsimile is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution, or copying of this facsimile is prohibited. If you have received this transmission in error, please contact this office immediately.

TRANSMISSION VERIFICATION REPORT

TIME : 05/08/2006 12:38
NAME :
FAX : 6173480989
TEL :
SER. # : BROD4J479081

DATE, TIME	05/08 12:36
FAX NO./NAME	16177483963
DURATION	00:01:52
PAGE(S)	07
RESULT	OK
MODE	STANDARD ECM

**CARTER & DOYLE LLP
ATTORNEYS AT LAW
Russia Wharf West
530 Atlantic Avenue, 3rd Floor
Boston, MA 02210**

617-348-0525
Facsimile 617-348-0989

DELIVER IMMEDIATELY

FACSIMILE COVER SHEET

DATE: May 8, 2006
TO: Jo Lyness
FROM: Valerie S. Carter, Esq.
FAX NUMBER: 617-748-9185
RE: Luis Rodriguez
PAGES: (not including cover) 5
MESSAGE:

Please see attached letter.

CONFIDENTIALITY NOTE: This facsimile is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution, or copying of this facsimile is prohibited. If you have received this transmission in error, please contact this office immediately.

TRANSMISSION VERIFICATION REPORT

TIME	: 05/08/2006 12:33
NAME	
FAX	: 6173480989
TEL	
SER. #	: BROD4J479081

DATE, TIME	05/08 12:31
FAX NO./NAME	16177489185
DURATION	00:01:01
PAGE(S)	07
RESULT	OK
MODE	STANDARD ECM

**CARTER & DOYLE LLP
ATTORNEYS AT LAW
Russia Wharf West
530 Atlantic Avenue, 3rd Floor
Boston, MA 02210**

617-348-0525
Facsimile 617-348-0989

DELIVER IMMEDIATELY

FACSIMILE COVER SHEET

DATE: May 8, 2006
TO: Lisa Hourihan
FROM: Valerie S. Carter, Esq.
FAX NUMBER: 617-748-9096
RE: Luis Rodriguez
PAGES: (not including cover) 5
MESSAGE:

Please see attached letter.

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TRANSMISSION VERIFICATION REPORT

TIME : 05/08/2006 12:35
NAME :
FAX : 6173480989
TEL :
SER. #: BROD4J479081

DATE, TIME	05/08 12:34
FAX NO./NAME	16177489096
DURATION	00:01:17
PAGE(S)	07
RESULT	OK
MODE	STANDARD ECM